REMARKS

In the above-referenced Office Action the Examiner required correction of the specification and the provision of a separate Abstract. The Abstract has been added by this amendment and the correct headings have also been added. The Figures 3a, 3b, 4 and 5 are also described in the specification in the last paragraph on page 3 and first paragraph on page 4.

The Examiner also rejected the claim as being in improper form under 35 USC § 112. Claim 1 has now been rewritten as claim 2 and it is submitted that claim 2 does comply with 35 USC § 112.

In the above-referenced Office Action the Examiner rejected the claim on a combination of the Evans et al. and Lewis patents. The Examiner indicated that Evans shows all of the features of the invention except a radio circuit system and the Examiner cites Lewis as teaching an electronic radio receiver. It is respectfully requested that this rejection be reconsidered and withdrawn as inapplicable to the revised independent claim presented hereto as claim 2 for the following reasons:

The Evans patent as shown in Figure 1 includes an external microphone 4 which has no part in the instant invention. In an atmosphere of external noise to justify the wearing of the ear phones, it is not seen why the external microphone 1 would be used or how it could be used.

As shown, for example, in Figure 7 the device of Evans includes an omni directional microphone 16 and the boom microphone 4.

Furthermore, it is submitted that the Lewis reference does not disclose a radio circuit. As described at column 3, first paragraph, Lewis describes a wireless head set

which includes an anti-noise circuit as well as a circuit for receiving signals from "remote sound sensor(s) and/or a motion detector sensor(s)". There is no mention of receiving or structure for an am/fm radio in addition. Furthermore, at column 4, lines 44-46 it is described that the circuit prevents reception of TV and fm signals.

Furthermore, in column 4, lines 39-44 it is indicated that the receiver IC2 is based on a national semiconductor license for a radio controller receiver/decoder and the output thereof is the input to IC4 in the sound generator of Figure 4b.

In the summary, in column 2, it is indicated that the Lewis headset contains "an electronic radio receiver, an audible tone/alert generator, volume control/switch and 9 volt battery." It is submitted that this is not an am/fm radio as there is none shown in the drawings but in fact it is part of the audible tone/alert generator. At column 3, first paragraph, it is indicated that a signal from a remote sensor is transmitted to the receiver and the headset then generates an audible tone to alert the user that something important may be happening. The receiver then is coupled into the tone generator and does not operate independently.

As shown in the drawings of the instant invention, for example, Figure 6, and as described in claim 2, a pair of phase detection U-circuits are provided, one at each speaker and the three circuit systems are all coupled to these phase detection U-circuits and thereby to the speakers.

In summary, it is submitted that there is no teaching for supplying an am/fm radio circuit coupled to the speakers. Both Lewis and Evans et al. deal with an anti-noise device and with a circuit for transmitting an audible tone as an alert from a remote sensor. These two features are both present in the instant invention and in addition there is also

provided an am/fm radio circuit. As to the teaching therefore, it is submitted that claim 2 patentably distinguishes the prior art.

Accordingly applicant considers this case in condition for allowance and an early notice thereof is requested.

Respectfully submitted,

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on March 11, 2002
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